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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MANUEL RICO,

Defendant and Appellant.

D068997

(Super. Ct. No. SCE343369)

APPEAL from a judgment of the Superior Court of San Diego County, Daniel B. Goldstein, Judge. Affirmed.

Andrea S. Bitar, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In this case, without the benefit of a plea agreement, Manual Rico pleaded guilty to all of the charges in the information. Specifically, he pleaded guilty to three counts of

lewd acts on a child under the age of 14 (Pen. Code,<sup>1</sup> § 288, subd. (a)) and two counts of lewd acts on a child under the age of 14 by force or fear (§ 288, subd. (b)(1)).

The court sentenced Rico to a term of 16 years in prison.

Rico filed a timely notice of appeal, but did not obtain a certificate of probable cause (§ 1237.5).

Appellate counsel has filed a brief indicating she has not been able to discover any reasonably arguable issues for reversal on appeal. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) and *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel asks this court to review the record for error. We offered Rico the opportunity to file his own brief on appeal, but he has not responded.

#### STATEMENT OF FACTS

The change of plea form only indicates that Rico admitted to performing lewd acts upon a child under the age of 14.

#### DISCUSSION

Appellate counsel has not fully complied with *Anders, supra*, 386 U.S. 738, in that she has not identified any possible, but not arguable issues for reversal. However, the record is brief and we have reviewed all of it. We are satisfied we can fully perform our duty of review as mandated by *Wende, supra*, 25 Cal.3d 436 and *Anders*, notwithstanding the lack of assistance from appellate counsel.

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<sup>1</sup> All further statutory references are to the Penal Code unless otherwise specified.

We start with the possibility of a challenge to the guilty plea. Rico did not obtain a certificate of probable cause from the trial court and is thus precluded from challenging the plea on appeal. (*People v. Panizzon* (1996) 13 Cal.4th 68, 74-76.) Nor did Rico bring a motion to withdraw the guilty pleas.

With regard to the sentence, Rico did not object in the trial court to any of the court's sentencing choices. Again he is precluded from raising any challenge to the sentence on this appeal. (*People v. Scott* (1994) 9 Cal.4th 331, 351-353.)

As we have stated, we have reviewed the entire record as mandated by *Wende*, *supra*, 25 Cal.3d 436, and *Anders*, *supra*, 386 U.S. 738. We have not discovered any reasonably arguable issues for reversal on appeal. Although we are critical of appellate counsel's failure to fully comply with *Anders*, we are satisfied that counsel has provided Rico with competent representation on this appeal.

#### DISPOSITION

The judgment is affirmed.

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HUFFMAN, Acting P. J.

WE CONCUR:

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McDONALD, J.

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IRION, J.